

B 104 (Rev. 2/92)	ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Adam Gnaill		DEFENDANTS David Ashton McLain Sharon Patricia McLain
ATTORNEYS (Firm Name, Address, and Telephone No.) William F. Hinesley, III Crawford & Hinesley, P.C. P. O. Box 15306, Savannah, GA, 31416 912-352-3964		ATTORNEYS (If Known) Mary Christine Register Zettler Hostilo & Register, LLP 1515 Abercorn St., Savannah, GA, 31401 912-234-3972
PARTY (Check one box only) <input checked="" type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY		
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Complaint to Determine Dischargeability of a debt.		
NATURE OF SUIT (Check the one most appropriate box only.)		
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> 454 To Recover Money or Property <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727 </div> <div style="width: 33%;"> <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan <input checked="" type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan </div> <div style="width: 33%;"> <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 498 Other (specify) </div> </div>		
ORIGIN OF PROCEEDINGS (Check one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		
DEMAND NEAREST THOUSAND \$ 14,000.00	OTHER RELIEF SOUGHT <input type="checkbox"/> JURY DEMAND	
BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR David A. & Sharon P. McLain		BANKRUPTCY CASE NO. 05-43382-LWD
DISTRICT IN WHICH CASE IS PENDING Southern	DIVISIONAL OFFICE Savannah	NAME OF JUDGE Lamar W. Davis, Jr.
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE
FILING FEE (Check one box only.) <input checked="" type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED		
DATE May 15, 2006	PRINT NAME William F. Hinesley, III	SIGNATURE OF ATTORNEY (OR PLAINTIFF) /S/ WILLIAM F. HINESLEY, III

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

IN RE:)	
)	
DAVID ASHTON MCLAIN)	
SHARON PATRICIA MCLAIN,)	CHAPTER 7
)	CASE NO.: 05-43382-LWD
Debtors.)	
*****)	
ADAM GNALL,)	
)	
Plaintiff,)	
)	
v.)	ADVERSARY PROCEEDING
)	NO.:
DAVID ASHTON MCLAIN)	
SHARON PATRICIA MCLAIN,)	
)	
Defendants.)	
*****)	

COMPLAINT TO DETERMINE DISCHARGEABILITY

COMES NOW ADAM GNALL, Plaintiff in the above styled matter, and files his
Complaint, showing the Court the following:

1. Debtors filed their petition for relief under Chapter 7 of the United States Bankruptcy Code on December 13, 2005.
2. Plaintiff is a creditor, having been the landlord of Debtors pre petition.
3. This is a core proceeding as it deals with the dischargeability of a debt.
4. Debtors leased from Plaintiff certain real property known ass 111 East White Hawthorne Drive, Savannah, Georgia.
5. Debtors vacated the property described in Paragraph Four (4) hereof prior to filing their petition for relief.
6. Debtors did significant damage to the leased property.

7. Plaintiff was required to expend a total of \$14,645.00 to repair the leased property.
8. After applying the security deposit, Plaintiff's net repair costs was \$13,874.00.
9. The damage described herein was not caused by ordinary wear and tear.
10. The debt to Plaintiff should not be subject to a Chapter 7 discharge.

THIS 15th day of May, 2006.

CRAWFORD & HINESLEY, P.C.

7805 Waters Ave., Ste. 7-B
P.O. Box 15306
Savannah, GA 31416
912-352-3964

by: /S/ WILLIAM F. HINESLEY, III
WILLIAM F. HINESLEY, III, For the Firm
Attorney for Plaintiff
GA State Bar No.: 356360

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

IN RE:)
)
DAVID ASHTON MCLAIN)
SHARON PATRICIA MCLAIN,) CHAPTER 7
) CASE NO.: 05-43382-LWD
Debtors.)

ADAM GNALL,)
)
Plaintiff,)
)
v.) ADVERSARY PROCEEDING
) NO.:
DAVID ASHTON MCLAIN)
SHARON PATRICIA MCLAIN,)
)
Defendants.)

CERTIFICATE OF SERVICE

I, WILLIAM F. HINESLEY, III, certify that I have served a copy of the **COMPLAINT TO DETERMINE DISCHARGEABILITY** on the persons listed below by Notice of Electronic Filing.

James L. Drake, Jr., Chapter 7 Trustee

B. Amon James, Asst. U. S. Trustee

Mary Christine Register, Attorney at Law

I, WILLIAM F. HINESLEY, III, certify that I have served a copy of the **COMPLAINT TO DETERMINE DISCHARGEABILITY** on the persons listed below by depositing a copy of same in the United States mail with the addresses being listed below and sufficient postage affixed thereto.

David Ashton McLain
Sharon Patricia McLain
17 Widgeon Ct.
Bloomington, GA 31302

THIS 15th day of May, 2006.

CRAWFORD & HINESLEY, P.C.

7805 Waters Ave., Ste. 7-B
P.O. Box 15306
Savannah, GA 31416
912-352-3964

by: /S/ WILLIAM F. HINESLEY, III
WILLIAM F. HINESLEY, III, For the Firm
Attorney for Plaintiff
GA State Bar No.: 356360